

FILED

05-29-2019

John Barrett

Clerk of Circuit Court

2019CV002536

Honorable Carl Ashley-33

Branch 33

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

SHEENAH ARENZ
209 S. Warren Street
Watertown, WI 53094

Case No.: 2019-CV-002536
Case Code: 30107
Case Type: Personal Injury - Other

Plaintiff

STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES
c/o Office of Legal Counsel, Registered Agent
One West Wilson Street, Room 651
Madison, WI 53707, and

UNITED HEALTHCARE
c/o CT Corporation, Registered Agent
301 S. Bedford Street, Suite 1
Madison, WI 53703

Involuntary Plaintiffs,

vs.

INMATE SERVICES CORPORATION
6000 Poplar Avenue, # 400
Memphis, TN 38119

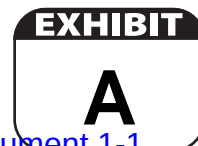
MARIUS NESBY
1369 S. Faronia Square
Memphis, TN 38116

Defendants.

AMENDED SUMMONS

To each person named above as a Defendant:

YOU ARE HEREBY NOTIFIED that the Plaintiffs named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.



Within forty-five (45) days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose mailing address is Clerk of Circuit Court for Milwaukee County, Milwaukee County Courthouse, 901 North 9th Street, Milwaukee, Wisconsin 53233, and to the Plaintiff's attorney, Robert A. Levine, 630 N. Broadway, Milwaukee, Wisconsin, 53202. You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

Dated at Milwaukee, Wisconsin this 29th day of May, 2019.

LAW OFFICES OF ROBERT A. LEVINE

By: Electronically signed by Robert A. Levine

Robert A Levine
State Bar No. 1011965
Jonathan Cattey
State Bar No. 1079322

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INMATE SERVICES CORPORATION
6000 Poplar Avenue, # 400
Memphis, TN 38119

MARIUS NESBY
1369 S. Faronia Square
Memphis, TN 38116

Defendants.

AMENDED COMPLAINT

NOW COMES the above-named plaintiff Sheenah Arenz, by her attorneys, the Law Offices of Robert A. Levine, represented by Robert A. Levine, and as and for a claim against the

defendants, Inmate Services Corporation and Marius Nesby alleges and shows to the court as follows:

1. Plaintiffs have separate claims which arise out of the same incident and are joined for the purpose of suit and trial, but each prays for a separate judgment.

2. At all of the times hereinafter mentioned, the plaintiff Sheenah Arenz (hereinafter "Arenz") was and now is a resident of the City of Watertown and County of Jefferson, State of Wisconsin, residing at 209 S. Warren Street.

3. At all of the times hereinafter mentioned, the involuntary plaintiff State of Wisconsin Department of Health Services (hereinafter "The Department") was and now is agency of the State of Wisconsin which provides health insurance benefits, and whose agent for service, the Office of Legal Counsel, and principal offices are located at One West Wilson Street, Room 651, Madison, WI 53707.

4. At all of the times hereinafter mentioned, the involuntary plaintiff United Healthcare (hereinafter "UHC") was and now is domestic health insurance company, duly organized and existing pursuant to the laws of the State of Wisconsin, with its registered agent, CT Corporation, located at 301 S. Bedford Street, Suite 1, Madison, WI 53703, and provides health insurance benefits.

5. Upon information and belief, at all of the times hereinafter mentioned, the defendant **Inmate Services Corporation** (hereinafter "Company") was and now is a foreign corporation, licensed to do business in the State of Wisconsin, with its principal offices located at **6000 Poplar Avenue, # 400, Memphis, Tennessee 38119**, and, among others, transports inmates

for the State of Wisconsin Penial System when warrants are issued for their arrest when they are residing outside of the state.

6. Upon information and belief, at all of the times hereinafter mentioned, the defendant Marius Nesby (hereinafter "Nesby") was and now is a resident of the City of Memphis, County of Shelby and State of Tennessee, residing at **1369 S. Faronia Square, Memphis, Tennessee 38116**, and was an agent, servant and/or employee for the defendant Company and transported, among others, females for which warrants for arrest were issued, by among others, the State of Wisconsin.

FIRST CLAIM – ASSAULT AND BATTERY

7. On or about the March 6, 2018 a warrant was issued for the extradition of the plaintiff Arenz, from Phoenix, Arizona to Winnebago County, Wisconsin.

8. On or about April 11, 2018, the Scottsdale, Arizona Police Department picked up the plaintiff Arenz in Arizona pursuant to the warrant issued by the State of Wisconsin.

9. On or about April 12, 2018, the plaintiff Arenz had an extradition hearing in Arizona and signed a waiver and, upon information and belief, was picked up by the defendant Nesby as an agent, servant and/or employee of the defendant Company on May 12, 2018.

10. Upon information and belief, the defendant Nesby, individually and as an agent, servant and/or employee of the defendant Company told the plaintiff Arenz that he had 180 days to return her to the State of Wisconsin and that she was not even on his schedule.

11. Upon information and belief, the defendant Nesby, individually and as an agent, servant and/or employee of the defendant Company advised the plaintiff Arenz that he was going

to take her to his home in Memphis, Tennessee, take a shower with her, sleep with her and take intimate acts.

12. Upon information and belief, the defendant Nesby, individually and as an agent, servant and/or employee of the defendant Company took the plaintiff Arenz to the Company office in West Memphis, Arkansas and told her he had to change her handcuffs and started kissing her and put his hands down her right thigh and buttocks and lifted up her shirt and grabbed her breasts and advised the plaintiff Arenz that he wanted her.

13. Subsequent to leaving the office the defendant Nesby, upon information and belief again sexually assaulted the plaintiff Arenz and pulled her ponytail and reminded her that he was in control.

14. As a proximate result of the assault and battery by the defendant Nesby and the failure of the defendant Company to properly supervise, control and train the defendant Nesby, the plaintiff Arenz, was seriously injured, both physically and mentally, that she was terrified, that the defendant Nesby would come to Wisconsin, that she was nervous and upset and had nightmares and difficulty sleeping, that she, upon information and belief was permanently injured; suffered and will suffer great pain of body and mind; that she was and will be obligated to expend monies for medical care and attendants; that her ability to enjoy life was and will be substantially impaired, all to her damage in an amount to be set by the trier of fact.

15. Upon information and belief, the Involuntary Plaintiffs State of Wisconsin Department of Health Services and United Healthcare, paid portions of the medical bills incurred

by the Plaintiff, Sheenah Arenz, and are entitled to reimbursement and/or subrogation under the laws of the State of Wisconsin.

SECOND CLAIM – THREAT OF FALSE IMPRISONMENT

That as and for a second claim against the defendants, Inmate Services Corporation and Marius Nesby for and on behalf of the plaintiff Sheenah Arenz, the plaintiff Sheenah Arenz by her attorneys, the Law Offices of Robert A. Levine, represented by Robert A. Levine, alleges and shows to the court as follows:

16. Reiterate, repeats, and realleges by reference all of the allegations contained in paragraphs 1-15 with the same force and effect as if herein set forth in full.

17. Upon information and belief, the defendant Nesby, individually and as an agent, servant and/or employee of the defendant Company threatened to falsely imprison the plaintiff Arenz in his residence and also, threatened to kill her in the event she told anyone; the conduct of the defendant Nesby, individually and as an agent, servant and/or employee of the defendant Company was an intentional disregard of the rights of the plaintiff Arenz and was reckless and outrageous.

18. As a direct and proximate result of the conduct of the defendant Nesby, individually and as an agent, servant and/or employee of the defendant Company, the plaintiff Arenz, in addition to compensatory damages is entitled to punitive damages because of the intentional and outrageous conduct of the defendant Nesby, individually and as an agent, servant and/or employee of the defendant Company all to her damage in an amount to be set by the trier of fact.

WHEREFORE, the plaintiff Sheenah Arenz demands judgment against the defendants, Inmate Services Corporation and Marius Nesby on her first and second claims, in amounts the trier of fact deems fair and reasonable, together with costs, disbursements and reasonable attorney's fees.

WHEREFORE, the involuntary plaintiffs, State of Wisconsin Department of Health Services and United Healthcare demand judgment against the defendants, Inmate Services Corporation and Marius Nesby, in amounts the trier of fact deems fair and reasonable together with their costs and disbursements.

DEMAND IS HEREBY MADE FOR A TWELVE PERSON JURY

Dated at Milwaukee, Wisconsin this 29th day of May, 2019.

LAW OFFICES OF ROBERT A. LEVINE

By: Electronically signed by Robert A. Levine

Robert A Levine
State Bar No. 1011965
Jonathan Cattey
State Bar No. 1079322

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